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Attorneys for Plaintiffs AKAL BROADCASTING CORP., et al.

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

\* \* \* \* \*

AKAL BROADCASTING CORP., a  
California corporation; XL MEDIA (CA),  
INC., a California corporation; AKAL  
MEDIA, INC., a Washington corporation;  
CHARANJIT S. BATTH, an individual;  
NACHHATAR S. DHALIWAL, an  
individual; BALRAJ S. BRAR, an individual;  
NAZAR S. KOONER, an individual,

Plaintiffs,

vs.

SUKHDEV SINGH DHILLON, a Canadian  
citizen; MOHAN S CHEEMA; TARNVIR S.  
BISLA; JAGDEEP S DHALIWAL; BAAZ  
BROADCASTING CORP., a Washington  
corporation; RADIO PUNJAB, INC., a  
California corporation; AMAR  
BROADCASTING INC., a Washington  
corporation; TEG BROADCASTING INC., a  
Washington corporation; RADIO SPICE USA  
INC., a California corporation; and DOES 1-  
50,

Defendants.

Case No.:

**COMPLAINT FOR TRADEMARK  
INFRINGEMENT UNDER LANHAM  
ACT § 43(a)(1)(A); COMMON LAW  
TRADEMARK INFRINGEMENT;  
BREACH OF FIDUCIARY DUTY;  
CONVERSION; INTENTIONAL  
MISREPRESENTATION; ACCOUNTING**

**JURY TRIAL REQUESTED**

1 Plaintiffs AKAL BROADCASTING CORP., XL MEDIA (CA), INC., AKAL MEDIA,  
2 INC., CHARANJIT S. BATTH, NACHHATAR S. DHALIWAL, BALRAJ S. BRAR, and  
3 NAZAR S. KOONER (“Plaintiffs”) submit the following Complaint against Defendants  
4 SUKHDEV SINGH DHILLON, MOHAN S CHEEMA, TARNVIR S BISLA, JAGDEEP S  
5 DHALIWAL, BAAZ BROADCASTING CORP., a Washington corporation; RADIO PUNJAB,  
6 INC., a California corporation; AMAR BROADCASTING INC., a Washington corporation; TEG  
7 BROADCASTING INC., a Washington corporation; RADIO SPICE USA INC., a California  
8 corporation; and DOES 1-50.

9 I. PARTIES

10 Plaintiffs

11 1. Plaintiff Akal Broadcasting Corp. is a California corporation duly organized and  
12 existing under the laws of the State of California, having an office and place of business at 4221  
13 W. Sierra Madre Ave., Unit 109, Fresno, CA 93722. The company owns radio station KIGS 620  
14 AM in Fresno, CA.

15 2. Plaintiff XL Media (CA), Inc., is a California corporation duly organized and  
16 existing under the laws of the State of California, having an office and place of business at 4221  
17 W. Sierra Madre Ave., Unit 109, Fresno, CA 93722. The company owns radio station KGSV 660  
18 AM in Bakersfield, CA.

19 3. Plaintiff Akal Media, Inc., is a corporation duly organized and existing under the  
20 laws of the State of Washington, having an office and place of business at 26461 104TH Ave SE,  
21 Kent, WA, 98030. The company owns radio station KZIZ 1560 AM in Seattle, Washington.

22 4. Plaintiff Charanjit S. Batth is an individual residing at 5434 W Kamm Ave,  
23 Caruthers, CA 93609. He is a stockholder of all three Plaintiff companies.

24 5. Plaintiff Balraj S. Brar is an individual residing at 8910 S. Walnut Ave, Fresno CA  
25 93706. He is a stockholder of Akal Broadcasting Corp.

26 6. Plaintiff Nachhatar S. Dhaliwal is an individual residing at 9517 S Zediker Ave,  
27 Parlier, CA 93641. He is a stockholder of Akal Broadcasting Corp. and XL Media (CA) Inc.  
28

7. Plaintiff Nazar S. Kooner is a California resident living at 8013 Guru Ramdas Court, Bakersfield, CA, 93307. He is a stockholder of XL Media (CA), Inc.

## Defendants

8. Defendant Sukhdev Singh Dhillon is a Canadian citizen with a United States address at 26461 104th Ave SE, Kent, WA 98030. He is a stockholder, Director, and Officer of all Defendant companies, and is the “lead Defendant” in this matter.

9. Defendant Mohan S. Cheema is a California resident with an address at 2520 West Shaw Lane, Suite 106 Fresno, CA 93711. He is a stockholder, Director, and Officer of Defendant companies Baaz Broadcasting Corp. and Amar Broadcasting Inc.

10. Defendant Tarnvir S. Bisla is a California resident with an address at 250 Aldeburgh Circle, Sacramento, CA 95834. He is a stockholder, Director, and Officer of TEG Broadcasting Inc., a Defendant company.

11. Defendant Jagdeep S Dhaliwal, 3704 W Ashcroft Ave, Fresno CA 93722. He is stockholder, Director, and Officer of Defendant Radio Spice USA Inc.

12. Defendant Radio Punjab, Inc. is a California corporation with a principal place of business at 3704 W Ashcraft Ave., Fresno, CA 93722. This corporation operates the infringing radio stations in KGST Fresno and KWAC Bakersfield.

13. Defendant Baaz Broadcasting Corp. is a Washington corporation with a principal place of business at 26461 104th Ave. SE, Kent, WA, 98030. This corporation operates the infringing radio station KNTS in Seattle.

14. Defendant Amar Broadcasting Inc. is a Washington corporation with a principal place of business at 26461 104th Ave. SE, Kent, WA, 98030. This corporation has filed an application with the FCC to be assigned the license for infringing radio station KNTS in Seattle under the 100% ownership of Defendant Dhillon.

15. TEG Broadcasting Inc. is a Washington corporation with a principal place of business at 26461 104th Ave. SE, Kent, WA, 98030. This corporation holds the license for infringing radio station KOKO-FM 94.3 in Fresno.

1           16.     Radio Spice USA Inc. a California corporation 3704 W Ashcraft Ave., Fresno, CA  
2     93722.

3           17.     The true names and capacities, whether individual, corporate, associate or  
4     otherwise of Defendants named herein as Doe 1 through Doe 50 are unknown to Plaintiffs who  
5     therefore sue these Defendants by their fictitious names. Plaintiffs will ask leave to amend this  
6     complaint to show their true names and capacities when they have been ascertained. Plaintiffs are  
7     informed and believe and thereon allege that some of these fictitiously named Defendants have  
8     responsibility for or were involved in the events described herein which resulted in Plaintiffs'  
9     damages. Such allegations have evidentiary support or are likely to have evidentiary support after  
10    a reasonable opportunity for further investigation or discovery.

11           18.     Plaintiffs are informed and believe, and thereon allege, that at all times herein  
12    mentioned, Defendants were acting on their own behalf and as agents or employees of each of the  
13    other Defendants, and the acts described hereinafter were done in the course and scope of such  
14    agency or employment, as well as on their own behalf. Further, Defendants were authorized by  
15    Defendants' principals in the doing and the manner of the acts alleged and ratified said behavior.  
16    (Hereafter, unless otherwise specified, defendants including Doe 1 through Doe 50 will be  
17    referred to collectively as "Defendants.")

## 18                               II. JURISDICTION AND VENUE

19           19.     This action is based on Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) and  
20    the statutory and common law of the states of California and Washington.

21           20.     This Court has subject matter jurisdiction over this action pursuant to Section 39 of  
22    the Lanham Act, 15 U.S.C. § 1121 (actions arising under the Lanham Act), 28 U.S.C. §§ 1331  
23    (federal question), 1338(a) (any Act of Congress relating to patents or trademarks), and 1338 (b)  
24    (any action asserting claim of unfair competition joined with a substantial and related claim under  
25    the trademark law) for the claims arising out of the violations of Sections 43(a) of the Lanham  
26    Act. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. §  
27    1367(a) for all other claims asserted in this Complaint because those claims are so closely related  
28    to the federal claims asserted herein as to form part of the same case and controversy.

1           21. This Court has personal jurisdiction over Defendants because they regularly  
2 transact, conduct, or solicit business in California and Washington and within this District, or  
3 engage in other persistent courses of conduct and/or derive substantial revenue from advertising  
4 over radio stations located in California and Washington; the transactions and acts giving rise to  
5 this action occurred in California and Washington; and Defendants are registered with the  
6 Secretary of State of California and Washington to do business in those respective states, and  
7 also maintain corporate offices within this District in the Fresno metropolitan area; and the  
8 unlawful, tortious conduct complained of herein has caused, and continues to cause, injury to  
9 Plaintiffs within California and Washington and in this District.

10           22. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because a substantial  
11 part of the events giving rise to the claims occurred in this District.

### 12                                   III. GENERAL ALLEGATIONS

#### 13                   A. FACTUAL BACKGROUND

##### 14                           1. Beginnings of Radio Punjab, 2001-2004

15           23. Sukhdev Singh Dhillon is the lead Defendant in this case. Dhillon began  
16 broadcasting under the Radio Punjab name in Canada in 2001, serving a Punjabi population of  
17 approximately 240,000 residing in the Vancouver metropolitan area.<sup>1</sup> His station provided a mix  
18 of music, news, sports, and talk radio programming.

19           24. After initially leasing airtime on a Canadian station, Dhillon looked into  
20 purchasing an American radio station to lower his costs. In 2002 Dhillon located an AM radio  
21 station just across the border in Ferndale, Washington, that he could use to broadcast to  
22 Vancouver, 45 miles northwest of Ferndale. Dhillon persuaded his relatives to purchase the  
23 station, KPRI, but he continued to lease airtime for Radio Punjab. After a conflict with his  
24 relatives over ownership around 2004, the station was rebranded as Sher-E-Punjab in place of  
25 Radio Punjab.

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27           <sup>1</sup> The Punjabi ethnic population identifies with the Punjabi region that crosses the border of India and Pakistan.  
28 Punjabis can be of Sikh, Muslim, or Hindu faith. There are an estimated 240,000 Punjabis in the Vancouver  
metropolitan area, and some 160,000 in California, mostly in northern and central California.

2. Dhillon Recruits Investors to Broadcast in the United States

25. Beginning in 2014, Dhillon began to recruit investors to purchase radio stations. Through various corporations he purchased and launched the following stations:

Fresno	KIGS	620 AM	October 2014
Sacramento	KRPU	1210 AM	April 2015
Fresno	KQEQ	1210 AM	May 2015
Oakland	KMKY	1310 AM	June 2015
Seattle	KZIZ	1560 AM	March 2016
Bakersfield	KGSV	660 AM	June 2016
Seattle	KKDZ	1250 AM	June 2017

26. Dhillon sought passive investors such as Plaintiffs to finance his acquisitions. As a Canadian citizen, Dhillon was at that time limited by FCC foreign ownership rules to a maximum stake of 15%, and he also needed the investors' capital. Dhillon generally established a separate company to own each radio station so that he would have flexibility in terms of the investor composition. Upon information and belief, some of Dhillon's investors are close friends or relatives who hold their interest for Dhillon's benefit.

27. Dhillon enticed Plaintiffs to invest in his stations by promising them that they would double their investment upon sale of the station within two years. Almost all of the agreements between Plaintiffs and Defendants in this controversy were oral agreements.

28. Dhillon maintained operating control of all his radio stations, including all aspects of financial management and accounting, FCC licensing, programming, hiring, and firing of personnel, advertising sales, promotion, and all other operational matters. He operated the Radio Punjab broadcasting network in return for programming fees of \$5,000 per month paid by each station.

29. Plaintiff Batth invested about \$4.4 million between 2015 and 2017 in eight radio stations, including \$617,500 in KIGS Fresno, \$500,000 in KGSV Bakersfield, and \$650,000 in two Seattle radio stations. After initially concentrating holdings in Akal Broadcasting Corp., Batth and Dhillon held a meeting with Plaintiff Brar March 6, 2019, where they agreed 1) to create a separate corporation to hold the license for each radio station; 2) on a clarification of the percentage share ownership of each stockholder in these corporations; and 3) to set price targets

1 for the sale of four radio stations with an incentive for Dhillon to meet the targets: KIGS Fresno,  
2 KZIZ Seattle, KGSV Bakersfield, and KQEQ Fresno. None of the stations were successfully sold  
3 by Dhillon.

4 3. The Radio Punjab Service Mark

5 30. Defendant Dhillon first used the Radio Punjab service mark in Canada in 2001. He  
6 also used the mark broadcasting into Canada from Ferndale, Washington between 2002-2004. He  
7 did not broadcast into any United States metropolitan markets before 2014, when he began  
8 recruiting investors to begin broadcasting at the three stations currently owned by Plaintiffs as  
9 well as for stations in Oakland and Sacramento.

10 31. The mark in question consists of 1) the trade name Radio Punjab; 2) a logo with  
11 the name Radio Punjab in English and Punjabi and an eagle; and 3) a jingle tagline saying, "This  
12 is the Radio Punjab, it goes with you everywhere, when you're in the store, in the house, on the  
13 highway, this is the Radio Punjab."

14 32. Dhillon never registered the Radio Punjab service mark with the US Patent and  
15 Trademark Office (USPTO). Concurrent with this filing, Plaintiffs have applied to register the  
16 mark with the USPTO for use in Fresno, Bakersfield, Seattle, and any other areas where the mark  
17 has not been used in the United States. The mark is suitable for registration because similar  
18 marks have been registered, e.g., Radio Punjab USA, TV Punjab, and Punjab1TV.

19 33. Plaintiffs' stations were the first to use the name Radio Punjab in the Fresno  
20 (2014), Bakersfield (2016), and Seattle (2016) radio markets. The Fresno and Bakersfield stations  
21 have continuously and exclusively used the Radio Punjab mark since the launch of the stations,  
22 for nine and seven years, respectively. The Seattle station used the mark continuously and  
23 exclusively for four and a half years from 2016 until 2020 when Dhillon stopped paying rent on  
24 the station property and transferred the mark to a sister station KKDZ in Seattle.

25 34. The Radio Punjab trade name was constantly advertised over the airwaves and was  
26 also promoted each year off-air at approximately fifteen Punjabi festivals. The name was  
27 associated with stations KIGS Fresno, KGSV Bakersfield, and KZIZ Seattle, as the exclusive  
28 providers of Punjabi radio programming in these metropolitan areas.



4. Conflict Leads to Defendants' Infringement

35. In March 2022, there was a dispute between Plaintiffs and Defendants, primarily between Batth and Dhillon. Batth told Dhillon he could no longer tolerate Dhillon's failure to provide a financial return to the investors. There was also a dispute about Plaintiffs' self-help action to obtain full ownership of Fresno radio station KQEQ and eliminate Dhillon's ownership interest.<sup>2</sup>

36. Batth arranged with a non-competing Punjabi radio station in Oakland to obtain programming for the Fresno and Bakersfield stations in place of the programming that had been provided by Dhillon. The two stations continued to broadcast under the name Radio Punjab. Dhillon remained a minority shareholder and a director of the companies, but no longer had operating responsibility.

37. In response, Dhillon launched a plan to retaliate against Plaintiffs' radio stations and drive them out of business. Beginning in August 2022, he contracted for Baaz Broadcasting to lease airtime on KGST 1600 AM Fresno and KWAC 1490 AM in Bakersfield, and bought KNTS 1680 AM in Seattle. He immediately began using the Radio Punjab service mark for his new stations in direct conflict with Plaintiffs' stations where he maintained a minority interest. He also recruited Sales Manager Gurpreet Singh to defect from KIGS to his new Fresno station.

38. Dhillon immediately and unlawfully appropriated the Radio Punjab mark and told listeners and advertisers that he was operating the "real" Radio Punjab. He willfully and intentionally created confusion in the radio marketplace. As an example, Dhillon's KGST and KWAC broadcast the following in September 2023:

"North America's Most Listened Radio Station Radio Punjab...the heartbeat and soul of Punjabis...Radio Punjab...yes.... the real Radio Punjab.... book your business today at a special rate. Listeners Get your business voice up to, for more information you can chat with Sukhdev Singh Dhillon...559-720-1300... five hundred fifty-nine Seven Hundred Twenty, Thirteen Hundred Music.... KGST 1600 Fresno California...KWAC A.M. 1490 Bakersfield California."

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<sup>2</sup> Dhillon had defaulted on a note to the Seller of radio station KQEQ. Plaintiffs purchased the note from the Seller and then foreclosed on the station to obtain full ownership.



1 This was a direct infringement and affront to Plaintiffs' stations in which Dhillon still held  
2 an interest.

3 39. Plaintiffs hired an attorney who sent a cease-and-desist letter to Dhillon in  
4 February 2023, demanding that he stop using the Radio Punjab name in the three geographic  
5 markets at issue and also demanding an accounting and return of the corporate records in his  
6 possession. Dhillon provided some records for three out of eleven companies, but otherwise did  
7 not respond and did not cease using the Radio Punjab mark.

8 40. As a result of Defendants' unlawful infringement, the Fresno and Bakersfield  
9 stations suffered a dramatic drop in advertising revenue since the summer months of 2023 and  
10 continuing to the present time. Dhillon continues to increase his threat to these stations by buying  
11 a license to broadcast on KOKO-FM 94.3 in Fresno, which will enable him to have superior  
12 night-time radio signal to spread further confusion about the Radio Punjab service mark. By these  
13 actions Dhillon seeks to damage the very investors from whom he obtained financing, **even**  
14 **though he remains a shareholder in Plaintiff companies to this day.**

15 41. Defendant Dhillon engaged in other misconduct while operating as the controlling  
16 officer of Plaintiff companies. Upon information and belief, he converted the advertising revenue  
17 of Plaintiff companies for deposit in his personal bank accounts at various times between 2019  
18 and 2022. Also, upon information and belief, he intentionally defaulted on rent payments to the  
19 City of Seattle, then falsely told his stockholders that the City would not allow the station KZIZ  
20 to operate, which enabled him to transfer Radio Punjab broadcasting to a sister station where he  
21 would personally benefit financially. Akal Media's Seattle station KZIZ has since lost all of its  
22 listeners and advertisers.

#### 23 IV. CAUSES OF ACTION

##### 24 First Cause of Action

25 Unfair Competition, False Endorsement, False Association, and False Designation of Origin  
26 Under Section 43(a)(1)(A) of the Lanham Act, (15 U.S.C. § 1125(a)(1)(A)))  
27 **(Akal Broadcasting Corp. Against Defendants Radio Punjab, TEG Broadcasting, Sukhdev**  
28 **Dhillon, and DOES 1-50)**

1           42.     The Plaintiffs incorporate by reference all preceding paragraphs of this complaint  
2 as though fully set forth herein.

3           43.     Plaintiff Akal Broadcasting was the first to use the Radio Punjab service mark in  
4 the geographic region of metropolitan Fresno and used it exclusively in this radio market for nine  
5 years on KIGS AM, along with sister station KQEQ AM for seven of those nine years. They  
6 promoted the mark through constant daily use over the airwaves and off-air promotional  
7 activities.

8           44.     Defendants are falsely representing on the radio airwaves and in public  
9 appearances that they are the “real Radio Punjab,” infringing on Plaintiffs’ established rights to  
10 the service mark in Fresno. Defendant’s acts and conduct complained of herein constitute unfair  
11 competition, false endorsement, false association, and/or false designation of origin in violation of  
12 15 U.S.C. § 1125(a)(1)(A). Defendant Radio Punjab Inc. is acting through its operation of KGST  
13 AM in Fresno and Defendant TEG Broadcasting is the license owner of infringing KOKO-FM in  
14 Fresno.

15           45.     Defendants’ use of Plaintiff’s Radio Punjab mark to attract radio listeners and  
16 advertisers is confusing to said listeners and advertisers because Defendants are using the exact  
17 same service mark as Plaintiffs, including the Radio Punjab name, logo, and radio tag line jingle.

18           46.     Defendants’ use of the Radio Punjab mark has had a material impact on the  
19 decisions of listeners and advertisers - Plaintiffs’ radio stations have experienced a sharp decline  
20 in advertising revenue and a corresponding decline in listeners.

21           47.     Defendants’ infringing conduct impacts interstate commerce because all radio  
22 broadcasting impacts interstate commerce pursuant to the Supreme Court decision in *Federal*  
*Radio Comm’n v. Nelson Bros. Co.*, 289 U.S. 266, 279.

23           48.     As a result of Defendants’ conduct Plaintiffs have suffered, and will continue to  
24 suffer, irreparable harm to the goodwill of their service mark from Defendants’ acts and conduct  
25 complained of herein, unless restrained by law.  
26  
27  
28

Second Cause of Action

Unfair Competition, False Endorsement, False Association, and False Designation of Origin  
Under Section 43(a)(1)(A) of the Lanham Act, (15 U.S.C. § 1125(a)(1)(A)))  
**(XL Media (CA) Inc. Against Defendants Radio Punjab, Sukhdev Dhillon, and DOES 1-50)**

49. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

50. Plaintiff XL Media (CA) Inc. was the first to use the Radio Punjab service mark in the geographic region of metropolitan Bakersfield and used it exclusively in this radio market for seven years on KGSV 660 AM. The company promoted the mark through constant daily use over the airwaves and off-air promotional activities.

51. Defendants are falsely representing on the radio airwaves and in public appearances that they are the “real Radio Punjab,” infringing on Plaintiffs’ established rights to the service mark in Fresno. Defendant’s acts and conduct complained of herein constitute unfair competition, false endorsement, false association, and/or false designation of origin in violation of 15 U.S.C. § 1125(a)(1)(A). Defendant Radio Punjab Inc. is acting through its operation of KWAC 1490 AM in Bakersfield.

52. Defendant’s use of Plaintiffs’ Radio Punjab mark to attract radio listeners and advertisers is confusing to said listeners and advertisers because Defendants are using the exact same service mark as Plaintiffs, including the Radio Punjab name, logo, and radio tag line jingle.

53. Defendants’ use of the Radio Punjab mark has had a material impact on the decisions of listeners and advertisers - Plaintiffs’ radio station has experienced a sharp decline in advertising revenue and a corresponding decline in listeners.

54. Defendants’ infringing conduct impacts interstate commerce because all radio broadcasting impacts interstate commerce pursuant to the Supreme Court decision in *Federal Radio Comm’n v. Nelson Bros. Co.*, 289 U.S. 266, 279.

55. As a result of Defendants’ conduct Plaintiffs have suffered, and will continue to suffer, irreparable harm to the goodwill of their service mark from Defendants’ acts and conduct complained of herein, unless restrained by law.

Third Cause of Action

Unfair Competition, False Endorsement, False Association, and False Designation of Origin  
Under Section 43(a)(1)(A) of the Lanham Act, (15 U.S.C. § 1125(a)(1)(A)))

**(Akai Media Inc. Against Defendants Baaz Broadcasting, Amar Broadcasting, Sukhdev  
Dhillon, Mohan Cheema, and DOES 1-50)**

56. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

57. Plaintiff Akai Media Inc. was the first to use the Radio Punjab service mark in the metropolitan Seattle radio market and used it exclusively in this market for four and a half years on KZIZ 660 AM until effectively shut down by Defendant Dhillon. The company promoted the mark through constant daily use over the airwaves and off-air promotional activities.

58. Defendants are falsely representing on the radio airwaves and in public appearances that they are the “real Radio Punjab,” infringing on Plaintiffs’ established rights to the service mark in Seattle. Defendant’s acts and conduct complained of herein constitute unfair competition, false endorsement, false association, and/or false designation of origin in violation of 15 U.S.C. § 1125(a)(1)(A). Defendants are acting through their operation of KNTS 1680 AM in Seattle.

59. Defendants’ use of Plaintiffs’ Radio Punjab mark to attract radio listeners and advertisers is confusing to said listeners and advertisers because Defendants are using the exact same service mark as Plaintiffs, including the Radio Punjab name, logo, and radio tag line jingle.

60. Defendants’ use of the Radio Punjab mark has had a material impact on the decisions of listeners and advertisers - Plaintiffs’ radio station has experienced a sharp decline in advertising revenue and a corresponding decline in listeners.

61. Defendants’ infringing conduct impacts interstate commerce because all radio broadcasting impacts interstate commerce pursuant to the Supreme Court decision in *Federal Radio Comm’n v. Nelson Bros. Co.*, 289 U.S. 266, 279.

62. As a result of Defendants' conduct Plaintiffs have suffered, and will continue to suffer, irreparable harm to the goodwill of their service mark from Defendants' acts and conduct complained of herein, unless restrained by law.

Fourth Cause of Action

Common Law Trademark Infringement  
(Against All Defendants and DOES 1-50)

63. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

64. Plaintiff radio stations were first to use the trademark Radio Punjab in the Fresno, Bakersfield, and Seattle radio markets. Such use was exclusive for a period of nine years in Fresno, seven years in Bakersfield, and four and a half years in Seattle.

65. There is a certainty of confusion among radio listeners and advertisers because Defendants are using the exact same trade name "Radio Punjab," service mark, and radio jingle, and intentionally telling radio listeners that their stations are the real "Radio Punjab."

66. Plaintiffs are being harmed by the confusion among both listeners and advertisers, as measured by loss of listeners and loss of advertising revenue.

Fifth Cause of Action

Breach of Fiduciary Duty - Washington  
(Against Sukhdev Dhillon and DOES 1-25)

67. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

68. Defendant Dhillon was a Director of Akal Media, the closely held Washington company that owned KZIZ 1560 AM in 2020. In this capacity Dhillon owed a duty of loyalty to the company under RCW 23B.08.310. Under Washington law, the common law duty of loyalty is heightened in a closely held corporation.

69. Dhillon discontinued making rent payments to the City of Seattle in 2020, causing the City to effectively shut down the station's ability to operate. Dhillon falsely told the stockholders that the city of Seattle would not permit construction of a new transmitter on radio

1 station property and did not disclose his decision to stop making rent payments. Dhillon then  
2 transferred the Radio Punjab broadcasting to a sister station KKDZ that had been operating with  
3 programming in both Punjabi and Hindi languages. Upon information and belief, Dhillon chose to  
4 do this because he and his co-owners/relatives had a greater ownership stake in the other Seattle  
5 station KKDZ, thus Dhillon would realize greater personal profit by deceiving his fellow KZIZ  
6 stockholders.

7 70. Dhillon's breach of fiduciary duty was the proximate cause of the shutdown of  
8 KZIZ and the consequent complete loss of revenue and profit, producing a drastic reduction in the  
9 market value of the radio station.

10 71. Since Dhillon was the only director with full operational control of KZIZ,  
11 Plaintiffs believed his misrepresentations and only became aware of his fraudulent conduct in the  
12 summer of 2023 when a consulting engineer told them that Dhillon had failed to pay rent to the  
13 city of Seattle.

14 Sixth Cause of Action

15 Breach of Fiduciary Duty - California

16 (Against Sukhdev Dhillon and DOES 1-25)

17 72. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint  
18 as though fully set forth herein.

19 73. As a Director of Akal Broadcasting Corp. and XLM Media (CA) Inc., Dhillon  
20 owed a duty of loyalty to those companies under Corporations Code, § 309, subd. (a) and  
21 California common law.

22 74. Dhillon breached his fiduciary duty to Plaintiff corporations by launching  
23 competing radio stations with a goal to drive out of business the very radio stations for which he  
24 had recruited Plaintiff investors, and in which he was a stockholder. His breach of loyalty  
25 included the brazen unlawful use of Plaintiffs' service mark, calling his stations the "real Radio  
26 Punjab," in an effort to create confusion among listeners and advertisers.

27 75. Dhillon's breach of fiduciary duty has been the proximate cause of a sharp decline  
28 in advertising revenue, listenership, and market value at Plaintiffs' Fresno and Bakersfield radio  
stations.



Seventh Cause of Action

Conversion

(Against Sukhdev Dhillon and DOES 1-50)

76. The Plaintiffs incorporate all preceding paragraphs of this complaint as though fully set forth herein

77. Plaintiffs' radio stations were entitled to advertising revenue sold for ads run on their stations.

78. Upon information and belief, Defendant Dhillon converted the advertising revenue to his personal use at various times between 2019 and 2022.

79. Plaintiffs were not informed of Dhillon taking station advertising revenue for his personal use and did not consent to such conversion. Since Dhillon had full operational control of the radio stations, Plaintiffs did not discover the facts of Dhillon's conversion until they were informed by former advertising sales manager Gurpreet Nijjar in 2023.

80. Plaintiff companies and stockholders were harmed by the loss of the advertising revenue to Dhillon without compensation. Dhillon's conversion of advertising revenue was the sole cause of the harm to Plaintiffs.

Eighth Cause of Action

Intentional Misrepresentation

(Against Sukhdev Dhillon and DOES 1-50)

81. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

82. Dhillon made oral representations to Plaintiffs in phone calls and meetings that they would receive profits of "double their money" upon resale of the radio stations in which they were investing.

83. At the time Dhillon knew that his representations were false, reckless, and not warranted by his information, since he had sold only one radio station at par in Sacramento after Plaintiffs made their investments between March 17, 2015, and June 16, 2017.

84. Plaintiffs reasonably relied upon Dhillon's misrepresentations since Dhillon had been in the radio business for more than 20 years and had been involved in the purchase and sale of radio stations.

85. Plaintiffs were directly damaged because they were induced by these misrepresentations to invest substantial sums of money in Dhillon's companies, only to have him provide zero financial return and launch new companies to drive out of business the companies in which they invested.

### Ninth Cause of Action

## Accounting

(Against All Defendants)

86. Plaintiffs incorporate by reference all preceding paragraphs of this complaint as though fully set forth herein.

87. Plaintiff individuals were largely passive investors in companies under the complete operational control of Defendant Dhillon.

88. Plaintiffs believe that Dhillon converted company revenues and assets for his personal benefit and/or the benefit of other companies under his control at various times since the dates of their initial investments with Dhillon-operated entities.

89. Plaintiffs' counsel requested by letter dated February 22, 2023, that Dhillon provide all financial records for the companies in which Plaintiffs invested. This request was ignored.

90. Plaintiffs hereby request that the Court order an accounting to be conducted of all financial affairs of the entities operated by Dhillon since 2015.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court grant the following relief:

A. For issuance of a Permanent Injunction enjoining Defendants from competing against Plaintiffs' radio stations and unlawfully using their service mark Radio Punjab;

B. For judgment in favor of Plaintiffs on their causes of action against Defendants Dhillon and other individuals;

1 C. For judgment in favor of Plaintiffs on their cause of action against Defendant  
2 companies;

3 D. For Attorney's Fees and Costs from Defendants related to Lanham Act claims  
4 pursuant to 15 U.S.C. § 1117(a);

5 E. For all other relief at law or in equity that Plaintiffs are entitled to that this Court  
6 deems just and proper.

7 DATED: January 5, 2024

THORNTON DAVIDSON, P.C.

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10 By: Thornton Davidson  
11 Attorney for Plaintiffs  
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